रजिस्ट्री सं. डी.एल.-33004 / 96 REGISTERED No. DL-33004/96

भारत का राजपत्र
The Gazette of India

असाधारण
EXTRAORDINARY
भाग II—खण्ड 2
PART II—Section 2
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

सं॰ 9] नई दिल्ली, वृहस्पतिवार, मार्च 6, 1997 / फाल्गुन 15, 1918
No. 9] NEW DELHI, THURSDAY, MARCH 6, 1997 /PHALGUNA 15, 1918

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 6th March, 1997:—

BILL No. 110 OF 1997

A Bill to protect the property rights of women and for matters connected therewith.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Protection of Property Rights of Women and Girls Act, 1996.

(2) It extends to the whole of India.

(3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "appropriate Government" means the Central Government or a State Government under whose employment the husband of the widow was at the time of his death;

(*b*) "prescribed" means prescribed by rules made under this Act; and

(*c*) "property" means movable and immovable property and includes all rights pertaining to prorperty by way of lease, licence, succession, etc.

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Rights of an unmarried woman and a girl.

3. An unmarried woman and girl shall have the following rights, namely:—

(*i*) she shall have the right to live in the house of her parents but shall not have the right to seek partition or disposal of such house;

(*ii*) she shall have the right to claim an equal share in any property, whether joint-family property, or a premises held on lease or licence or under any other arrangement by her parents, other than the residential house or dwelling unit as is referred to in clause (i), as coparcener in such property;

(*iii*) subject to provisions contained in clauses (i) and (ii), she shall have the right to claim partition of the house or dwelling unit of her parents or any premises held or acquired on lease or licence or under any other arrangement by her parents, if she decides to remain unmarried after she attains the age of eighteen years or such other age of marriage as may be determined under any law for the time being in force;

(*iv*) she shall have the right to claim an equal share, as a coparcener, in the yields of the family business of her parents; and

(*v*) she shall have the right to claim an equal share in any property, as a coparcener, which is acquired by way of exchange or sale or transfer of any existing coparcenery property or which is acquired by her parents by way of accretion or succession to any acncestral property or otherwise.

Rights of a married woman.

4. A married woman shall have the following rights, namely:—

(*i*) shall have the right to live in the house of her husband whether owned by him or by him joint family or owned by him, solely or jointly, as a lessee or licensee:

Provided that such right shall not be void in the event of judicial separation, divorce or death of the hushand:

Provided further that she shall also have the right to live in the residential house or dwelling unit of her parents, in case she is deserted or divorced by her husband, without seeking partition or disposal of whole or any part thereof;

(*ii*) she shall have the right to claim an equal share, as a coparcener, in the property of her husband including that of in the joint family property of the husband, from the date of marriage, and shall have the right to claim partition or disposal of whole or part of such property:

Provided that in the event of disposal of part or whole of such property, the other coparcener shall have the right to pre-emption; and

(*iii*) she shall have an option to have the custody of the children born out of the wedlock and shall ahve the right to claim maintenance, not inconsistent with the status of the family of her husband, from her husband, both for herself and for her children which shall include the expenses to be incurred on the education, training and upbringing of her children, in case of dissolution of marriage:

Provided that if in the interest of the education, training or upbringing of the children it is considered necessary or expedient to leave the children under the custody of the husband or any one else; she shall have the right to free access to the children born out of the wedlock, irrespetive of estrangement, desertion, divorce or death of the husband.

Rights of a widow.

5. A widow shall have the following rights, namely:—

(*i*) she shall, subject to such eligibility, as may be prescribed, be entitled to suitable employment by the appropriate Government or by the private enterprise, as the case may be, in which her deceased husband was employed at the time of his death:

Provided that if she is not eligible for any such employment, she shall be entitled to such monthly pension as would have been payable to her husband at the time of his deemed superannuation:

Provided further that if the death of her husband occurs during the performance of his duties, she shall be entitled to such monthly salary and allowances, as would have been payable to her husband till his deemed superannuation, besides any other compensation admissible to her under any other law for the time being in force:

(*ii*) she shall have the first claim absolute right to the property of her deceased husband, if the husband dies intestate; and

(*iii*) she shall be entitled to have such share and status, as the share and status of her deceased husband would have been, in the family business of her deceased husband.

Power to remove difficulties.

6. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order publish in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty.

(*2*) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

Act to have overriding effect.

7. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contaned in any other law for the time being in force or in any instrument having effect by virue of any law other than this Act.

Power of the appropriate Government to make rules.

8. (*1*) The appropriate Government may, by notification in the official Gazette, make rules of carry out the provisions of this Act.

(*2*) Every rule made under this Act by the Central Government shall, as soon as may be after it is made, be laid before each House of Parliament for approval.

(*3*) Every rule made by a State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature for approval.

STATEMENT OF OBJECTS AND REASONS

In India, with a male dominatd society, the women constitute the most exploited of the exploited and the weakest of the weaker sections of the society. In the patriachal set up as it is in India, women have little, rather negligible, property rights. They have no status of their own. In their childhood they are dependent on their parents or guardians whereas in their married life they depend on the sweet will, nay whims and fancies, of their husbands and in their widowhood they are just destitutes.

Even after forty-nine years of independence, their status is, practically, no better particularly amongst the minorities, the tribals and rural masses.

The Bill, therefore, seeks to codify, confer and confirm specific property rights on women in various stages of their life *i.e.* in their childhood, unmarried and married life and in the event of desertion, destitution or divorce, keeping with the spirit of right to equality before the law as is enshrined in our Constitution.

NEW DELHI;
November 4, 1996

UMA BHARATI

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the appropriate Government to frame rules for carrying out the purposes of the Bill. Since the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

BILL NO. 9 OF 1997

A Bill to establish and incorporate a University at the national level for the promotion of creativity and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Maharishi Valmiki National University Act, 1997.

Definitions.

2. In this Act and the Statutes made thereunder, unless the context otherwise requires,—

(a) "Academic Council" means the Academic Council of the University;

(b) "Advisory Council" means Advisory Council of the University;

(c) "Board of Management" means Board of Management of the University;

(d) "Campus" means campus of the University;

(e) "distance education system" means the system of imparting education through any means of communication, such as broadcasting, telecasting, correspondence, seminars, contract programmes or the combination of any two or more of such means;

(f) "Finance Committee" means Finance Committee of the University;

(g) "Governing Body" in relation to a campus means any body "by whatever name called" charged with the management of the affairs of the campuses/ colleges and recognised as such by the University;

(h) "School" means a school of studies and Faculties of the University;

(i) "Regulations" means the Regulations made by any authority of the University under this Act for the time being;

(j) "Statutes" and "Ordinances" means respectively, the Statutes and Ordinances of the University for the time being in force;

(k) "University" means "The Maharishi Valmiki National University";

(l) "Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Visitor" means respectively, the Chancellor, Vice-Chancellor, Pro-Vice-Chancellor and Visitor of the Maharishi Valmiki National University.

The University.

3. *(1)* **There shall be etsablished a University by the name of "The Maharishi Valmiki National University".**

(2) **The headquarter of the University shall be at Delhi and it may also establish or maintain campuses, colleges, centres, workshops at any such other places in India as it may deem fit.**

(3) The first Visitor, the first Chancellor, the first Vice-Chancellor, the first Pro-Vice-Chancellor and the members of the first Board of Management, the first Academic Council and the first Planning Board shall be persons who may hereafter become such officers or members and so long as they continue to hold such office or membership, are hereby constituted a body corporate by the name of "the Maharishi Valmiki National University".

(4) The University shall have perpetual succession and a common seal and shall sue and be sued by the said name.

Objects of the University.

4. *(1)* The object of University shall be to advance and disseminate knowledge by a diversity of means; to use and apply knowledge for solving problems of any community, particularly Safai Karamacharis, to encourage higher and distance education system and to co-ordinate and determine the standards in such systems.

(2) The University shall, in organising its activities, have due regard to the objects specified in the First Schedule.

Powers of the University.

5. *(1)* The University shall have the following powers, namely:—

(i) to provide for instruction in such branches of knowledge, technology, vocations and professions as the University may determine from time to time and to make provision for research in humanity, sciences, medicine and law;

(ii) to plan and prescribe courses of study for degrees, diplomas, certificates or for any other purpose;

(iii) to hold examinations and confer degrees/diplomas, certificates or for any other academic distinctions or recognition on persons who have pursued a course of study or conducted research in the manner laid down by the Statutes and Ordinances;

(iv) to confer honorary degrees or other distinctions in the manner laid down by the Statutes;

(v) to determine the manner in which distance education and higher education in relation to the academic programmes of the University may be organised;

(vi) to determine the manner in which the creativity systems in higher education shall be evolved to make the students intelligent and independent in forming opinion and making judgement;

(vii) to institute and award fellowships, scholarships, prizes and such other awards for recognition of merit as the University may deem fit;

(viii) to establish and maintain such campuses and regional centres as may be determined by the University from time to time;

(ix) to recognise campuses and study centres in the manner laid down by the Statutes;

(x) to recognise examinations of or periods of study (whether in full or part at other Universities, institutions or other places of higher learning) as equivalent to examinations or periods of study in the University and to withdraw such recognition at any time;

(xi) to make provisions for research and development in educational technology and related matters;

(xii) to create administrative, ministerial and other necessary posts and to make appointments thereto;

(*xiii*) to receive benefaction, donations and gifts and to acquire, hold, maintain and dispose of any property, movable or immovable, including trust and Government property, for the purposes of the University;

(*xiv*) to borrow, whether on the security of the property of the University or otherwise, money for the purposes of the University and to enter into, carry out or cancel, contracts;

(*xv*) to demand and receive such fees and other charges as may be laid down by the Ordinance;

(*xvi*) to determine standards and to specify conditions for the admission of students to courses of study of the University which may include examination, evaluations and any other method of testing; and

(xvii) to set up study centres based on ancient culture and life style and to inculcate moral values among teachers and students.

(2) Notwithstanding anything co ained in any other law for the time being in force but without prejudice to the provisions of sub-section *(1)*, it shall be the duty of the University to take all such steps as it may deem fit for the promotion of the University Education and distance education system and for the determination of standards of teaching, evaluation and research in such systems.

Jurisdict

6. The University shall in the exercise of its powers have jurisdiction over the whole of India.

Preference in admission to Safai Karamcharis.

7. The University shall be open to all persons of either sex and of whatever race, creed, caste or class and it shall not be lawful for the University to adopt or impose on any person any condition whatsoever of religious belief or profession in order to entitle him to be appointed as a teacher of the University or to hold any other office therein or admitted as a student in the University, or to graduate thereat or to enjoy or exercise any privilege thereof:

Provided that fifty per cent. of posts and seats in the University and in educational institutions functioning under the University shall be reserved for Safai Karamcharis, their children and other dependents.

The Visitor.

8. *(1)* The President of India shall be the Visitor of the University.

(2) The Visitor may from time to time appoint one or more persons to review the work and progress of the University, including campuses, Colleges and Institutions managed by it, and to submit a report thereon; and upon receipt of that report the Visitor may, after obtaining the views of the Board of Management thereon through the Vice-Chancellor, take such action and issue such directions as he considers necessary in respect of any of the matters dealt with in the report and the University shall be bound to comply with such directions.

(3) The Visitor shall have the right to cause an inspection to be made by such person or persons as he may direct of the University, its buildings, laboratories and equipments and of any college or institution or campus maintained by the University and also of the examination, teaching and other work conducted or done by the University and to cause an enquiry to be made in like manner in respect of any matter connected with the administration or finances of the University, campuses, colleges or Institutions.

(4) The Visitor may delegate these powers to the Chancellor of the University.

(5) The Visitor and the Chancellor shall have such other powers as may be prescribed by the Statutes.

Officers of the University.

9. The following shall be the officers of the University:—

(1) The Chancellor;

(2) The Vice-Chancellor;

(3) The Pro-Vice-Chancellor;

(4) The Directors of Schools;

(5) The Registrar;

(6) The Finance Officer;

(7) Such other officers as may be declared by the Statutes to be Officers of the University.

The Chancellor.

10. *(1)* The Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Chancellor shall by virtue of his office be the Head of the University.

(3) The Chancellor, shall if present, preside at the convocation of the University held for conferring degrees.

(4) The Chancellor shall exercise the powers of the Visitor which are delegated by the Visitor to the Chancellor.

The Vice-Chancellor.

11. *(1)* The Vice-Chancellor shall be appointed by the Visitor in such manner as may be prescribed by the Statutes.

(2) The Vice-Chancellor shall be the principal executive and academic officer of the University and shall exercise general supervision and control over the affairs of the University and give effect to the decisions of all the authorities of the University.

(3) The Vice-Chancellor shall exercise such other powers and perform such other duties as may be prescribed by the Statutes or the Ordinances.

The Pro-Vice-Chancellor.

12. The Pro-Vice-Chancellor shall be appointed by the Chancellor and shall exercise such powers and perform such duties as may be prescribed by the Statutes.

Directors of Schools.

13. Every Director of a School shall be appointed in such manner on such emoluments and other conditions of service and shall exercise such powers and perform such functions, as may be prescribed by the Statutes.

Registrar, Finance Officer and other officers.

14. *(1)* The Registrar and Finance Officer and Other Officers shall be appointed in such manner on such emoluments and other conditions of service as may be prescribed by the Statutes.

(2) The Registrar empowered by the Board of Management shall have the power to enter into agreement, sign documents and authenticate records on behalf of the University.

(3) The Finance Officer and other Officers shall exercise such powers and perform such functions as may be prescribed by the Statutes.

Authorities of the University.

15. The following shall be the authorities of the University:

(1) The Board of Management;

(2) The Advisory Council of the Universtiy;

(3) The Academic Council;

(4) The Planning Board;

(5) The School of Studies;

(6) The Finance Committee;

(7) Such other authorities as may be declared by the Statutes to be the authorities of the University.

The Board of Management.

16. *(1)* The Board of Management shall be the principal executive Body of the University.

(2) The constitution of the Board of Management, the terms of office of its members and its powers and functions shall be prescribed by the Statutes.

The Advisory Council.

17. *(1)* The Advisory Council shall be the advisory body to aid and advise the University to perform the function.

(2) The constitution of the Advisory Council, its powers and functions shall be prescribed by the Statutes.

The Academic Council.

18. *(1)* The Academic Council shall be the principal academic body of the University and shall, subject to the provisions of the Act, the Statutes and the Ordinances, have the control and general regulation and be responsible for the maintenance of standards of learning, education, instruction, evaluation and examination within the University and shall exercise such other powers and perform such other functions as may be conferred or imposed upon it by the Statutes.

(2) The constitution of the Academic Council and the terms of office of its members shall be prescribed by the Statutes.

The Planning Board.

19. *(1)* There shall be constituted a Planning Board of the University which shall be the principal planning body of the University and shall be responsible for the monitoring of the development of the University on the lines indicated in the objects of the University.

(2) The constitution of the Planning Board, the terms of office of its members and its powers and functions shall be prescribed by the Statutes.

The Schools of Studies.

20. *(1)* There shall be such number of Schools of Studies as the University may determine from time to time.

(2) The constitution, powers and functions of the Schools of Studies shall be prescribed by the Statutes.

The Finance Committee.

21. The constitution, powers and functions of the Finance Committee shall be prescribed by the Statutes.

Other authorities of the University.

22. The constitution, powers and functions of the other authorities which may be declared by the Statutes to be authorities of the University shall be prescribed by the Statutes.

Power to make Statutes.

23. Subjects to the provisions of this Act, the Statutes may provide for all or any of the following matters, namely:—

(a) the manner of appointment of the Chancellor, the term of his appointment, the emoluments and other conditions of his service and the powers and functions that may be exercised and performed by him;

(b) the manner of appointment of the Vice-Chancellor, the term of his appointment, the emoluments and other conditions of his service and the powers and functions that may be exercised by him;

(c) the manner of appointment of Directors of Schools, the Registrar, the Finance Officer and other Officers, the emoluments and other conditions of their service and the powers and functions that may be exercised and performed by each of the officers;

(d) the constitution of the Board of Management, Advisory Council and other authorities of the University, the powers and functions that may be exercised and performed by such authorities;

(e) the appointment of teachers and other employees of the University, their emoluments and other conditions of service;

(f) the constitution of a pension or provident fund and the establishment of an insurance scheme for the benefit of the employees of the University;

(g) the principles of governing the seniority of services of the empolyees of the University;

(h) the procedure in relation to any appeal or application for review by any employee or student of the University against the action of any officer or authority if the University, including the time within which such appeal or application for review shall be preferred or made;

(i) the procedure for the settlement of disputes between the employees or students of the University;

(j) the conferment of autonomous status of colleges and study centres and campuses;

(k) the co-ordination and determination of standards in the distance education system of the University;

(l) all other matters which by the Act are to be or may be prescribed by the Statutes.

Statutes how to be made.

24. *(1)* The first Statutes are those set out in the Second Schedule.

(2) The Board of Management may, from time to time, make new or additional Statutes or may amend or repeal the Statutes referred to in sub-section *(1)*.

Power to make Ordinances.

25. *(1)* Subject to the provisions of this Act and the Statutes, the Ordinances may provide for the admission of students, the courses of study and the fees therefor, the qualifications pertaining to degrees, diplomas, certificates and other courses, the conditions for the grant of fellowships, awards and the like.

(2) The first ordinance shall be made by the Vice-Chancellor with the previous approval of the Visitor and Ordinances so made may be amended, repealed or added to at any time by the Board of Management in the manner prescribed by the Statutes.

Regulations.

26. The authorities of the University may make Regulations consistent with the Act, the Statutes and the Ordinances for the conduct of their own business and that of the committees, if any, appointed by them and not provided for by this Act, the Statutes or the Ordinances in the manner prescribed by the Statutes.

Annual report.

27. The University shall publish annual report and shall submit it to the Visitor within one month from the expiry of the relevant financial year.

Annual accounts and audit report.

28. *(1)* The annual accounts and the balance sheet of the University shall be prepared under the direction of the Board of Management and shall, once at least every year and at intervals of not more than fifteen months, be audited by the Comptroller and Auditor-

General of India or such person or persons as he may authorise in this behalf.

(2) A copy of the accounts together with the audit report shall be submitted to the Visitor alongwith the observations if any, of the Board of Management.

(3) Any observations made by the Visitor on the annual accounts shall be brought to notice of the Board of Management and the views of the Board of Management, if any, on such observations shall be submitted to the Visitor.

Transitional provisions.

29. The first appointment of Chancellor, Vice-Chancellor, Pro-Vice-Chancellor, Registrar, Finance Officer shall be made by the Visitor and they may be considered as appointed under Statutes of the University.

THE FIRST SCHEDULE

(*See* section 4)

THE OBJECTS OF THE UNIVERSITY

1. The University is established to reform education system.

2. The University is established to create leadership and ability particularly among Safai Karamcharis and the education shall be based on creativity in education.

3. The University is established mainly to cater to the needs of the Safai Karamcharis and it will solve the problems of the society through its education system.

4. This University is established mainly to promote education among Safai Karamcharis in addition to the education which is imparted to this community in other Universities.

THE SECOND SCHEDULE

(*See* section 24)

STATUTES OF THE UNIVERSITY

The visitor

1. *(1)* The President of India shall be the Visitor of the University and all the policies, Statutes, Ordinances shall be implemented after the approval of the Visitor.

(2) All rules and regulations shall come into force after approval of the Visitor.

(3) The Visitor shall appoint the Chancellor of the University, the Vice- Chancellor, the Pro-Vice-Chancellor and other Officers of the University.

The Chancellor

2. *(1)* There shall be a Chancellor of the University who shall be appointed by the Visitor.

(2) All the functions of the University shall be carried out in the name of the Chancellor.

(3) The Chancellor shall be the head of all the Councils.

(4) The Vice-Chancellor, Pro-Vice-Chancellor, Head of the Councils and other Departments shall be appointed by the Visitor on the recommendation of the Chancellor.

The Vice-Chancellor

3. *(1)* The Vice-Chancellor shall be a whole time salaried officer of the University and he shall be appointed by the Visitor for a term of three years.

(2) The retirement age of the Vice-Chancellor shall be sixty-five years.

(3) The salary and other terms and conditions of his service shall be such as applicable to Vice-Chancellors of Universities established by the Central Government.

(4) If the office of the Vice-Chancellor becomes vacant due to death, resignation or otherwise or if he is unable to perform his duties due to ill health or any other cause, the Pro-Vice-Chancellor shall perform the duties of the Vice-Chancellor and if there is no Pro-Vice-Chancellor, the senior-most Director shall perform the functions of the Vice-Chancellor until the new Vice-Chancellor assumes his office or until the existing Vice-Chancellor attends to the duties of his office as the case may be.

Powers and functions of the Vice-Chancellor

4. *(1)* The Vice-Chancellor shall be the ex-officio Vice-Chairman of the Board of Management, the Academic Council, the Planning Board and the Finance Committee.

(2) The Vice-Chancellor shall be entitled to be present at, address, any meeting of any other authority or other body of the University, but shall not be entitled to vote thereat unless he is a member of such authority or body.

(3) It shall be the duty of the Vice-Chancellor to see that this Act, Statutes, Ordinances and Regulations are duly observed and he shall have all the powers necessary to ensure such observance.

(4) The Vice-Chancellor shall exercise control over the affairs of the University and shall give effect to the decisions of all the authorities of the University.

(5) The Vice-Chancellor shall have all the powers necessary for the proper maintenance of discipline in the University and he may delegate any such powers to such person or persons as he may deem fit.

(6) The Vice-Chancellor shall be empowered to grant leave of absence to any officer of the University and make necessary arrangements for the discharge of the functions of such officer during the absence.

(7) The Vice-Chancellor shall grant leave of absence to any employee of the University in accordance with the rules and if so desires delegate such powers to another Officer of the University.

(8) The Vice-Chancellor, only on the advice of Chancellor, shall have the power to convene or cause to be convened the meetings of the Board of Management, the Academic Council, the Planning Board and the Finance Committee.

(9) The Vice-Chancellor shall have the following further powers, namely:—

(i) to recommend to the Chancellor to appoint such Professors, Readers, Lecturers and other teachers as may be necessary with the prior approval of the Board of Management;

(ii) to appoint course writers, script writers, counsellors, programmers, artists and such other persons as may be considered necessary for the efficient functioning of the University;

(iii) to make short-term appointments for a period not exceeding six months at a time of such persons as may be considered necessary for the functioning of the University;

(iv) to arrange for the establishment and maintenance of regional and study centres, campuses and other Departments at different places as may be required from time to time and delegate to any employee such powers as are necessary for their efficient functioning.

The Pro-Vice-Chancellor

5. *(1)* The Pro-Vice-Chancellor shall be appointed by the Chancellor on the recommendation of the Board of Management.

(2) The term of office of the Pro-Vice-Chancellor shall be such as may be decided by the Board of Management, but it shall not in any case exceed three years or until the expiration of the term of office of the Vice-Chancellor whichever is earlier and he shall be eligible for re-appointment.

(3) The retirement age of the Pro-Vice-Chancellor shall be sixty-five years and the salary and other terms of conditions of his service shall be such as applicable to Pro-Vice-Chancellors of other Universities established by the Central Government.

The Directors of Schools

6. *(1)* Every Director of a school shall be appointed by the Board of Management on the recommendation of Vice-Chancellor and the Committee constituted for this purpose.

(2) Every Director shall be whole-time salaried officer of the University.

(3) A Director shall exercise such powers and perform such functions as may be prescribed by the Ordinances:

The Registrar

7. *(1)* Every Registrar shall be appointed by the Board of Management on the recommendation of a Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University.

(2) The emoluments and other conditions of service of a Registrar shall be prescribed by the Ordinance:

Provided that a Registrar shall retire on attaining the age of sixty years.

(3) A Registrar designated by the Board of Management shall have power to take disciplinary action against such of the employees excluding teachers and other members as may be specified by the Board of Management by order.

(4) An appeal shall lie to an officer so designated by the Board of Management against any order made by the Registrar in pursuance of clause *(3)*.

(5) In cases where an inquiry disclosed that a punishment beyond the powers of a Registrar is called for, the Registrar shall, consequent on the inquiry, make a report to the Vice-Chancellor alongwith his recommendations for such action as the Vice-Chancellor may deem fit:

Provided that an appeal shall lie to the Board of Management against an order of the Vice-Chancellor imposing any penalty.

(6) Such of the Registrars as are designated by the Board of Management shall be—

(i) the Secretary to the Board of Management;

(ii) the Member-Secretary of the Academic Council;

(iii) the Member-Secretary of the Planning Board.

(7) A Registrar so designated shall:

(a) be the custodian of the records, the common seal and such other properties of the University as the Board of Management may commit to his charge;

(b) issue notices and convene meetings of the Board of Management, the Academic Council and the Planning Board and of the committees appointed by those authorities;

(c) keep the minutes of the meetings of the Board of Management, the Academic Council and the Planning Board and of the committees appointed by such authorities;

(d) conduct the official proceedings and correspondence of the Board of Management, the Academic Council and the Planning Board;

(e) supply to the Visitor, a copy of the agenda of the meetings of the authorities of the University as soon as they are issued and the minutes of the meetings;

(f) represent the University in suits or proceedings, by or against the University, sign power of attorney, verify pleadings and depute his representative for the purpose;

(g) perform such other functions as may be specified in the Statutes, Ordinances or Regulations or as may be required from time to time by the Board of Management or the Vice-Chancellor.

The Finance Officer

8. *(1)* The Finance Officer shall be appointed by the Board of Management on the recommendation of a Selection Committee constituted for the purpose and he shall be a whole-time salaried officer of the University and shall work under the control of the Vice-Chancellor.

(2) The emoluments and other conditions of service of the Finance Officer shall be prescribed by the Ordinances.

(3) When office of the Finance Officer is vacant or when the Finance Officer is by reason of ill health, absence or any other cause unable to perform his functions as Finance Officer, his functions shall be performed by such person as the Vice-Chancellor may appoint for the purpose.

(4) The Finance Officer shall,—

(a) exercise general supervision of the funds of the University and advise it as regards its financial policies; and

(b) perform such other financial functions as may be assigned to him by the Board of Management or as may be prescribed by the Statutes or the Ordinances:

Provided that the Finance Officer shall not incur any expenditure or make any investment exceeding rupees one lakh without the previous approval of the Board of Management.

(5) Subject to the control of the Vice-Chancellor and the Board of Management, the Finance Officer shall—

(a) hold and manage the properties and investments of the University, including trust and immovable properties for fulfilling any of the objects of the University;

(b) ensure that the limits fixed by the Finance Committee for recurring and non- recurring expenditure for a year are not exceeded and the money is expended or spent for the purposes for which it was granted or allotted;

(c) be responsible for the preparation of the annual accounts and the budget of the University and for their presentation to the Board of Management after they have been considered by the Finance Committee;

(d) keep a constant watch on the cash and bank balances and investments;

(e) watch the progress of collection of revenue and advise on the methods of collection employed;

(f) ensure that the registers of properties of the University are maintained properly and that stock checking is conducted of equipments and other materials in the offices of the University including regional centres, study centres and other institutions maintained by the University;

(g) bring to the notice of the Vice-Chancellor any unauthorised expenditure or other financial irregularities and suggest appropriate action against persons at fault; and

(h) call from any office of the University, including Regional Centres, Study Centres and other institutions maintained by the University, any information or reports that he may consider necessary for the performance of his functions.

(6) Any receipt given by the Finance Officer or by the person duly authorised in this behalf by the Board of Management shall be a sufficient discharge for payment of moneys to the University.

9. *(1)* The Board of Management shall consist of the following members, namely:—

(i) The Chancellor;

(ii) The Vice-Chancellor;

(iii) The Pro-Vice-Chancellor;

(iv) two employees of the University to be nominated by Chancellor;

(v) One representative of Safai Karamcharis;

(vi) One representative of technical education;

(vii) One person representing commerce/industry;

(viii) One eminent jurist to represent Safai Karamcharis;

(ix) Four representatives one each from Lok Sabha/Rajya Sabha/Legislative Assembly/Legislative Council to be nominated by the respective Presiding Officer to represent Safai Karamcharis;

(x) One representative of students of the University;

(xi) One representative of the Central Government.

(2) The term of office of the members of the Board of Management from Sl. Nos *(i)* to *(iv)* and *(vii)* to *(xi)* shall be three years and they shall be eligible for reappointment.

Powers and functions of the Board of Management.

10. *(1)* The Board of Management shall have the power of management and administration of the revenue and property of the University and the conduct of all administrative affairs of the University not otherwise provided for.

(2) Subject to the provisions of the Act, the Statutes and the Ordinances, the Board of Management shall, in addition to the other powers vested in it under the Statutes, have the following powers, namely:—

(a) to create teaching and other academic posts and to define the functions and conditions of service of Professors, Readers, Lecturers,.teachers and other academic staff employed by the University;

(b) to prescribe qualifications for teachers and other academic staff;

(c) to approve the appointment of such Professors, Readers, Lecturers and other teachers and academic staff as may be necessary on the recommendation of the Selection Committee constituted for the purpose;

(d) to specify the manner of appointment to temporary vacancies of academic staff;

(e) to approve appointments to temporary vacancies of any academic staff;

(f) to provide for the appointment of visiting Professors, eminent Professors, fellows, artists and writers and determine the terms of conditions of such appointments;

(g) to manage and regulate the finances, account, investments property of the University and all other affairs to the University and to appoint such agents as may be considered fit;

(h) to invest any money belonging to the University, including any unapplied income, in such stocks, funds, shares or securities as it thinks fit or in the purchases of immovable property in India with like power or varying such investment from time to time:

Provided that no action under this clause shall be taken without consulting the Finance Committee;

(i) to create administrative, ministerial and other necessary posts after taking into account the recommendations of the Finance Committee and to specify the manner of appointment thereto;

(j) to regulate and enforce discipline amongst the employees in accordance with the Statutes and Ordinances;

(k) to transfer or accept transfers of any immovable or movable property on behalf of the University;

(l) to entertain, adjudicate upon, or redress the grievances of the employees and the students of the University who may, for any reasons, feel aggrieved;

(m) to fix the remuneration payable to course writers, counsellors, examiners and invigilators, and travelling and other allowances payable, after consulting the Finance Committee;

(n) to select the common seal for the University and to provide for the use of such seal;

(o) to delegate any of its powers to the Vice-Chancellor, Pro-Vice-Chancellor, Registrar, the Finance Officer or any other Officer, employee or authority of the University, or to a Committee appointed by it;

(p) to institute fellowships, scholarship, students-ships; and

(q) to exercise such other powers and perform such other functions as may be conferred or imposed on it by the Act of the Statutes.

(3) The Board of Management shall exercise all the powers of the University not otherwise provided for by the Act, Statutes Ordinances and the Regulations for the fulfilment of the objects of the University.

The Academic Council

11. *(1)* The Academic Council shall consist of the following members namely:—

(i) The Chancellor;

(ii) The Vice-Chancellor;

(iii) The Pro-Vice-Chancellor;

(iv) Directors of Schools of Studies;

(v) Two teachers to be nominated by the Board of Management on the recommendations of the Vice-Chancellor;

(vi) Seven Directors, other than the Directors of Schools of Studies, to be nominated by the Board of Management on the recommendations of the Vice-Chancellor;

(vii) Librarian;

(viii) A registrar, designated by the Board of Management, shall be the member-Secretary of the Academic council; and

(ix) Ten persons, who are not employees of the University, co-opted by the Academic Council for their special knowledge, including representatives of employees' organisations, agriculture, industries, trade and commerce, academic and professional organisations and communication field:

Provided that the total membership of the Academic Council shall not exceed thirty.

(2) The members of the Academic Council, other than *ex-officio* members, shall hold office for a term of two years from the date of their appointment or co-option, as the case may be.

(3) Ten members of the Academic Council shall form the quorum for a meeting.

Powers of the Academic Council

12. Subject to the Act, the Statutes and the Ordinances, the Academic Council, shall in addition to all other powers vested in it under the Statutes have the following powers, namely:—

(a) to exercise general supervision over the academic policies of the University and to give directions regarding methods of instruction, evaluation, research or improvement in academic standards;

(b) to consider matters of general academic interest either on its own initiative or on a reference from the Planning Board or a School of Studies or the Board of Management and take appropriate action thereon; and

(c) to frame regulation and rules consistent with the Statutes and the Ordinances regarding the academic functions of the University, including discipline, admissions, award of fellowships and studentships, fees and other academic requirements.

The Planning Board

13. *(1)* The Planning Board shall consist of the following:

(i) The Chancellor;

(ii) The Vice-Chancellor;

(iii) The Pro-Vice-Chancellor;

(iv) Two persons to be nominated by the Chancellor from amongst the academic staff of the University;

(v) Five persons who are not employees of the University, to be nominated by the Visitor, one each representing the following sectors:

(a) Vocational/Technical Education;

(b) Media/Communication;

(c) Manpower Planning;

(d) Agriculture/Rural Development and allied activities;

(e) Women's Studies;

(f) Two students to represent Safai Karamcharis.

(vi) Five persons who are not employees of the University, to be nominated by the Board of Management for their expertise, one each to represent the following areas of specialisation:

(a) Management;

(b) Professions;

(c) Education;

(d) Distance Education;

(e) Commerce and Industry;

(f) Engineering/Technology; and

(g) Medicine.

(2) The term of the Planning Board shall be three years.

The Schools of Studies

14. *(1)* The University shall have the following Schools of Studies, namely:—

(a) School of Humanities;

(b) School of Social Sciences;

(c) School of Science;

(d) School of Education;

(e) School of Continuing Education;

(f) School of Engineering and Technology;

(g) School of Management Studies;

(h) School of Health Sciences;

(i) School of Agriculture, Environment and Forest; and

(j) Such other Schools as may be set up by the Statutes.

(2) Every School of Studies shall have a Board and the powers and functions of the Board of Schools shall be prescribed by Ordinances and Statutes.

The Finance Committee

15. *(1)* The Finance Committee shall consist of the following members, namely:—

(i) The Chancellor;

(ii) The Vice-Chancellor;

(iii) The Pro-Vice-Chancellor of the University;

(iv) A Director of School of the University by rotation;

(v) one person, who is not an employee of the University, to be appointed by the Board of Management from among its members;

(vi) one person, who is not an employee of the University, to be nominated by the Board of Management;

(vii) two person to be nominated by the Visitor;

(2) The Finance Officer shall be the *ex-officio* Secretary of the Finance Committee, but he shall not be deemed to be a member of that Committee.

(3) All the members of the Finance Committee other than the Chancellor shall hold office for a term of three years from the dates on which they become members of the Committee.

(4) Four members of the Finance Committee shall form a quorum for a meeting of the Committee.

(5) The Finance Committee shall meet at least thrice a year to examine the accounts and scrutinise the expenditure.

(6) All proposals relating to revision of grade, upgradation of the scales and those items which are not included in the budget, shall be examined by the Finance Committee before they are considered by the Board of Management.

(7) The annual accounts and the financial estimates of the University prepared by the Finance Officer shall be laid before the Finance Committee for consideration and comments and thereafter submitted to the Board of Management within the time limit fixed by the Committee.

(8) The Finance Committee shall fix the limits for the total recurring and non-recurring expenditure for the year, based on income and resources of the University and no expenditure shall be incurred by the University in excess of the limits so fixed.

(9) Constitution, Powers and Functions of the following Committees, Council and Board shall be prescribed by the Statutes, Ordinances of the University after establishment of the University—

(a) Selection Committee;

(b) General Provident Fund-cum-Pension-Cum-Gratuity Scheme;

(c) Contributory Provident Fund-Cum-Gratuity Scheme.

STATEMENT OF OBJECTS AND REASONS

Majority of the Universities of the country only disseminate knowledge and they do not promote creativity, morality, teacher-pupil relationship and education in ancient and modern sciences amongst the students.

The Bill proposes to establish Maharishi Valmiki University, which will be a Central University, with a view not only to disseminating knowledge but also promoting creativity amongst the students and teach them the use and application of knowledge for solving problems of the society and in particular of the Safai Karamcharis.

It has been seen that proper attention has not been paid to the educational requirements of Safai Karamcharis who constitute a large chunk of our population and who mostly belong to lower strata of the society. Therefore, it is proposed to reserve fifty per cent. of seats for Safai Karamcharis in all educational institutions established by the proposed University.

The Bill seeks to achieve the above objectives.

NEW DELHI;
November 21, 1996.

MANGAL RAM PREMI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a Central University to be known as Maharishi Valmiki National University. The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India in respect of setting up of the University, study centres, etc. and other administrative expenditure. It is estimated that an annual recurring expenditure of rupees one hundred crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees ten crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 24 of the Bill provides that the first Statutes are those set out in the Second Schedule to the Bill. It also empowers the Board of Management to make a new or additional Statutes or amend or repeal the Statutes of the University. Clause 25 empowers the Vice-Chancellor of the University to make the first Ordinances of the University with the previous approval of the Visitor and provides that the Ordinances so made may be amended, at any time by the Board of Management in the manner prescribed by the Statutes. Clause 26 of the Bill enables the authorities of the University to make Regulations, consistent with the Act, the Statutes and the Ordinances for the conduct of their own business and that of the Committees appointed by them.

The matters, for which Statutes, Ordinances or Regulations may be made pertain to matters of procedure or detail and it is hardly possible to provide for them in the Bill.

The delegation of legislative powers is, therefore, of a normal character.

BILL NO. 5 OF 1997

A Bill to amend the National Commission for Safai Karamcharis Act, 1993.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the National Commission for Safai Karamcharis (Amendment) Act,1997.

Amendment of section 1.

64 of 1993

2. In section 1 of the National Commission for Safai Karamcharis Act, 1993 (hereinafter referred to as the principle Act), sub-section (*4*) shall be omitted.

Amendment of section 4.

3. In section 4 of the principle Act, in sub-section (*1*), the words "or up to the 31st day of March, 1997, whichever is earlier" shall be omitted.

Amendment of section 8.

4. In section 8 of the principle Act, for sub-section (2), the following sub-section shall be substituted, namely:—

"(2) The Commission shall, while performing any of the functions under sub-section (*1*), have all the powers of a civil court trying a suit and, in particular, in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(*b*) requiring the discovery and production of any document;

(*c*) receiving evidence on affidavits;

(*d*) requisitioning any public record or copy thereof from any court or office;

(*e*) issuing commissions for the examination of witnesses and documents; and

(*f*) any other matter which may be prescribed.".

Amendment of section 15.

5. In section 15 of the principle Act, in sub-section (2), in clause (*a*), for the words "and the other terms and conditions of service of," the words "term of office and the other terms and conditions of service," shall be substituted.

STATEMENT OF OBJECTS AND REASONS

The Central Government has formulated special schemes and taken many steps for the social, economic and educational upliftment of Safai Karamcharis. A separate National Commission for Safai Karamcharis was constituted in 1993 to monitor these schemes and to suggest other measures for the promotion of interests of Safai Karamcharis. The Commission has been empowered to solicit information from Central and State Governments and local bodies in respect of any matter regarding Safai Karamcharis. It has been observed that information is not made available to the Commission and in many cases the Safai Karamchari who has made a complaint on the basis of which the Commission has solicited information is removed from his job.

Safai Karamcharis are made to work on daily and part-time basis and they do not get the wages in full or in time. No proper safety measures are available for Safai Karamcharis at the work sites. As Commission does not have enough power to take up any matter affecting Safai Karamcharis with the concerned authorities, Safai Karamcharis have been left with no other option except to suffer in silence.

The National Commission for Safai Karamcharis was constituted for a period of three years only. As it is not a permanent body and a period of three years is not sufficient enough for upliftment of Safai Karamcharis, it is proposed to make the Commission a permanent body.

It is also proposed to give more powers to the Commission so that it can discharge its functions efficiently in the interests and for the welfare of Safai Karamcharis.

The Bill seeks to achieve the above objectives.

NEW DELHI;
November 21, 1996

MANGAL RAM PREMI.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the constitution of the National Commission for Safai Karamcharis on a permanent basis instead of for three years as at present. The Bill, therefore, will involve expenditure from the Consolidated Fund of India in respect of supplementing the infrastructural and establishment facilities, appointment of adequate staff and salaries, allowances of Chairman and other members of the Commission. It is estimated that an annual recurring expenditure of about rupees ten crore is likely to be involved from the Consolidated Fund of India.

A non-recurring expenditure of about rupees two crore is also likely to be involved.

BILL NO. 4 OF 1997

A Bill to establish and incorporate a Safai Karamcharis Small Scale Industries Development Corporation for the promotion of economic development of Safai Karamcharis and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Safai Karamcharis Small Scale Industries Development Corporation Act, 1997.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "Corporation" means the Safai Karamcharis Small Scale Industries Development Corporation set up under section 3;

(*b*) "family" means and includes the safai karamchari, the spouse of the Safai Karamchari and their minor children;

(*c*) "prescribed" means prescribed by rules made under this Act; and

(*d*) "Safai Karamchari" means a person engaged in, or employed for, manually carrying human excreta or any other sanitation work.

Safai Karamcharis Small Scale Industries Development Corporation.

3. (*1*) **The Central Government shall establish a Corporation to be known as Safai Karamcharis Small Scale Industries Development Corporation with its Headquarters at New Delhi and a complex in each district of the country.**

(*2*) **The Central Government may constitute such other bodies, as it may deem fit, for the efficient functioning of the Corporation.**

Objects of the Corporation.

4. The objects of the Corporation shall be—

(*a*) to strengthen the economic conditions of Safai Karamcharis;

(*b*) to provide for schemes for rehabilitation of the displaced Safai Karamcharis;

(*c*) to provide for infrastructural facilities for setting up of small scale industries by Safai Karamcharis; and

(*d*) to ensure better coordination amongst the different units of the Corporation.

Chief Comptroller.

5. (*1*) **The Central Government shall appoint a Chief Comptroller to head the Corporation.**

(*2*) The salary and allowances, terms and conditions of service of the Chief Comptroller shall be such as may be prescribed.

Powers and Functions of the Chief Comptroller.

6. (*1*) **The Chief Comptroller may appoint such officers and employees as may be necessary for the efficient functioning of the Corporation:**

Providing that Safai Karamcharis and their dependents shall be given preference in services under the Corporation.

(*2*) The Chief Comptroller may perform such functions and shall have such powers as may be prescribed.

(*3*) The Chief Comptroller may delegate his powers and functions to such officers as may be authorised by him in this behalf.

Finance Officer.

7. (*1*) There shall be a Finance Officer for the Corporation who shall be appointed by the Chief Comptroller.

(*2*) The Finance Officer shall perform the following functions, namely:—

(*a*) exercise general supervision of the funds of the Corporation and advise it on matters relating to its financial policies;

(*b*) perform such other financial functions as may be assigned to him by the Chief Comptroller;

(*c*) hold and manage the properties and investments of the Corporation, including trust and immovable properties;

(*d*) ensure that the limits fixed for recurring and non-recurring expenditure for a year are not exceeded and the money is expended or spent for the purposes for which it was granted or allotted;

(*e*) be responsible for the preparation of the annual accounts and the budget of the Corporation and for their presentation to the auditors;

(*f*) keep a constant watch on the cash and bank balances and investments;

(*g*) watch the progress of collection of revenue and advise on the methods of collection employed;

(*h*) ensure that the registers of properties and that of raw-materials and equipments of the Corporation are maintained properly in the offices of the Corporation including industrial complexes and other institutions maintained by the Corporation;

(*i*) bring to the notice of the Chief Comptroller any unauthorised expenditure or other financial irregularities and suggest appropriate action against persons at fault; and

(*j*) call from any office of the Corporation, including industrial complexes and other institutions maintained by the Corporation, any information or reports that he may consider necessary for the performance of his functions.

(*3*) Any receipt given by the Finance Officer or by the person duly authorised by him in this behalf by the Chief Comptroller shall be a sufficient discharge for payment of moneys to the Corporation.

Purchase and Sales Officer.

8. (*1*) There shall be a Purchase and Sales Officer for the Corporation who shall be appointed by the Chief Comptroller.

(2) The Purchase and Sales Officer shall—

(*a*) make raw-materials available to be used in the industrial complexes of the Corporation;

(*b*) make arrangements for purchasing and selling the goods produced by the industrial complexes of the Corporation to various agencies of the Central and State Governments and abroad.

Allotment of Industrial units to Safai Karamcharis.

9. *(1)* **The Central Government shall establish industrial units with necessary infrastructure in each complex.**

(2) One industrial unit shall be allotted to atleast one adult member from every family of a Safai Karamchari in the district with full ownership rights and such allotment shall be notwithstanding that the allottee has already benefited from any other scheme for the welfare of Safai Karamcharis or has defaulted from payment of a loan to a bank or is ineligible for allotment due to any other reason.

Credit facilities to Safai Karamcharis.

10. Every person who has been allotted an industrial unit in a complex shall be—

(*i*) **given an amount not exceeding rupees fifty thousand as grant by the Central Government and such amount as may be paid shall not be repayable by the person; and**

(*ii*) provided with loan upto rupees fifty thousand at six per cent. simple interest from any public sector bank which shall be repayable in easy instalments after a period of five years from the date of commencement of work by the person in the industrial unit allotted to him.

Supply of raw-material and purchase of manufactured goods from the allottees.

11. The Central Government and its agencies shall make raw-materials available to the allottees of industrial units at concessional rates and the goods manufactured by them shall be purchased by the Government and its agencies at competitive prices.

Annual Report.

12. The Chief Comptroller shall prepare an annual report on the performance of the Corporation and submit it to the Central Government within one month from the expiry of the relevant financial year.

Annual accounts and audit report.

13. (*1*) The annual accounts and the balance sheet of the Corporation shall be prepared by the Chief Comptroller every year and the same shall be audited by the Comptroller and Auditor-General of India or such person or persons as he may authorise in this behalf.

(2) A copy of the annual accounts and the audited report shall be submitted to the Central Government within one month from expiry of the relevant financial year.

(3) The Central Government shall take suitable action with a view to ensuring better performance of the Corporation on the basis of the audited report.

Power to make rules.

14. (1) The Central Government may make rules for carrying out the provisions of this act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(*a*) the manner of appointment of the Chief Comptroller, the salary and allowances and terms and conditions of his service and the powers and functions that may be exercised by him;

(*b*) the manner of appointment, salaries and allowances and terms and conditions of service of officers and other employees;

(*c*) the terms and conditions of supply of raw-materials to allottees of industrial units and purchase of manufactured goods from them;

(*d*) the procedure in relation to any appeal or application for review by any employee against the action of any officer or any authority and the time within which such appeal or application for review shall be preferred or made;

(*e*) the procedure for the settlement of disputes between the employees;

(*f*) the constitution of a pension and provident fund and establishment of an insurance scheme for the benefit of the employees;

(*g*) the conferment of autonomous status on Safai Karamcharis industrial complexes;

(*h*) any other matter in respect of which such provision is to be, or may be, made by rules.

STATEMENT OF OBJECTS AND REASONS

Although, many schemes have been evolved for the promotion and economic development of weaker sections of the society, these do not meet the aspirations of the weaker sections especially the Safai Karamcharis. The Safai Karamcharis are very poor and are engaged in menial jobs and are continuing with the practice of carrying night soil on their heads.

The Safai Karamcharis live in miserable conditions and for want of any concrete assistance and due to their social status, they are not in a position to attain better standard of living and improve their lot economically. With a view to paving the way for economic development of and provision of self employment to the Safai Karamcharis, it is proposed to provide them industrial units with necessary infrastructure so as to enable them to secure a decent livelihood. For achieving this objective, it is proposed to establish a Corporation which shall fully cater to the needs of Safai Karamcharis.

Hence this Bill.

MANGAL RAM PREMI

NEW DELHI;
November 21, 1996.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall establish a Corporation to be known as Safai Karamcharis Small Scale Industries Development Corporation with its headquarter at New Delhi and a complex in each district of the country. Clause 5 provides for appointment of a Chief Comptroller to head the Corporation. Clause 6 provides for appointment of necessary officers and employees for the Corporation. Clause 9 provides for the establishment of industrial units with necessary infrastructure in each complex. Clause 10 provides that an amount not exceeding rupees fifty thousand shall be given to each allottee of an industrial unit as grant by the Central Government. Clause 11 provides that the Central Government and its agencies shall make available raw-materials to allottees of industrial units at concessional rates and purchase manufactured goods from them at competitive prices.

The Bill, therefore, if enacted will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees two hundred crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees twenty crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 3 OF 1997

A Bill to provide for comprehensive and compulsory insurance of Safai Karamcharis against any mishap connected with their work to give them economic protection, safeguard their interests and for matters connected therewith.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

1. (*1*) This Act may be called the Safai Karamcharis Insurance Scheme Act, 1997. Short title, extent and commencement.

(*2*) It extends to whole of India.

(*3*) It shall come into force at once.

2. In this Act, unless the context otherwise requires,— Definitions.

(*a*) "appropriate Government" means the Central Government or the State Government, as the case may be;

(*b*) "mishap" means any physical injury, disability, handicap or any disease

caused to a Safai Karamchari while performing his duties and which, for such karamchari, constitutes or results in a substantial handicap, whether temporarily or permanently, to his normal daily activities and to his employment;

(*c*) "prescribed" means prescribed by rules made under this Act;

(*d*) "Safai Karamchari" means any person engaged in or employed for manually carrying human excreta or any sanitation work and includes persons engaged in cleaning of animal hides; and

(*e*) "Scheme" means the Safai Karamcharis Insurance Scheme framed under section 3.

Safai Karamcharis Insurance Scheme.

3. *(1)* **The Central Government shall, in consultation with the State Governments, frame a Scheme to be known as the Safai Karamcharis Insurance Scheme, for comprehensive and compulsory insurance of Safai Karamcharis against any mishap.**

(*2*) The Scheme shall, among other things, provide for—

(*a*) the principles and conditions governing the insurance of Safai Karamcharis under the scheme;

(*b*) part of insurance amount to be paid immediately to the Safai Karamcharis in different mishaps caused to them due to hazards involved in the job;

(*c*) nominal rate of premium to be paid by the Safai Karamcharis;

(*d*) the extent of insurance cover;

(*e*) the manner of making claims by Safai Karamcharis; and

(*f*) any other matter which the Central Government may deem necessary.

Administration of the Scheme by the Central Government.

4. The Central Government shall, in consultation with the State Government, administer the Scheme.

Establishment of Safai Karamcharis Insurance Fund.

5. *(1)* **The Central Government shall, in consultation with the State Governments and by notification in the Official Gazette, establish a fund to be known as the Safai Karamcharis Insurance Fund which shall consist of—**

(*a*) premium amount received from Safai Karamcharis for insurance under the Scheme;

(b) **grants made by the Central Government and the State Governments in such ratio, as may be agreed between them;**

(*c*) any monies received as contribution or donations from the people and organisations in India or abroad; and

(*d*) any income received from investment of money out of the Fund.

(2) The initial capital of the Safai Karamcharis Insurance Fund shall be rupees five hundred crore of which rupees four hundred crore shall be contributed by the Central Government and rupees one hundred crore shall be contributed by the State Governments in the proportion of number of Safai Karamcharis working in the respective States.

Constitution of Advisory Committees.

6. *(1)* **The appropriate Government shall, by notification in the Official Gazette, constitute an Advisory Committee in every district, falling within its jurisdiction, to assess the claims made by the Safai Karamcharis due to any mishap.**

(2) Every Advisory Committee shall consist of a Chairperson, to be appointed by the appropriate Government, and such other members and staff, as may be prescribed.

(*3*) The terms and conditions as to the qualifications, salary and allowances, etc. of the Chairperson, members and staff of the Advisory Committees shall be such as may be prescribed.

(4) While assessing the claims referred to in sub-section (*1*), every Advisory Committee shall inform the representatives of the Safai Karamcharis of the area, where such mishap has occurred, about the procedure followed by it in assessing such claims.

Payment of Insurance amount by the appropriate Government.

7. It shall be the responsibility of the appropriate Government to pay insurance amount or such part of insurance amount as may be recommended by the Advisory Committee, referred to in section 6, to a Safai Karamchari for any mishap caused to him during the course of performance of his duties, out of the Safai Karamcharis Insurance Fund.

Power to make rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

Several outmoded and ancient traditions beliefs are prevalent in our country. The people, instead of doing their own work, depend on Safai Karamcharis for getting the cleaning work done. These Safai Karamcharis have not been provided with minimum wages and social and economic security till today. The wages of Safai Karamcharis are fixed on many basis like the left over meals in a village family, the number of families in a locality, the number of persons in banks, Post Offices, schools and other offices and the income of the local bodies who are generally running in loss. Since most of the Gram Panchayats, Town Area Committees , Municipal Committees, Corporations, etc. are not able to earn profits, the Safai Karamcharis are not able to get even the minimum wages. Consequently, Safai Karamcharis are facing starvation.

The Safai Karamcharis always live in the danger of inhaling poisonous gases while clearing blocked sewer lines and carrying poisonous waste matter. They earn their livelihood from cleaning work, but they rarely get their meagre wages in time. As a result, they are forced to beg for food in the village.

Life Insurance Corporation and other insurance companies insure only those Safai Karamcharis who are working in Government or Semi-Government organisations and can afford higher premium. But majority of Safai Karamcharis are working in villages in unorganised sectors on daily wages part time basis and have no regular income.

In the circumstances, there is an urgent need to frame a comprehensive and compulsory insurance scheme for Safai Karamcharis who, are living in deplorable conditions, selling their labour at very cheap rates, and who are responsible for cleanliness and, thus, prevention of epidemics. Such an insurance scheme will go a long way in affording them social and economic protection.

Hence this Bill.

NEW DELHI;
November 21, 1996.

MANGAL RAM PREMI

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall, in consultation with the State Governments, frame a scheme to be known as the Safai Karamcharis Insurance Scheme. Clause 4 provides that the Central Government shall administer the scheme. Clause 5 provides for establishment of Safai Karamcharis Insurance Fund by the Central Government to which the Central Government shall contribute rupees four hundred crore to form initial capital of the fund and shall also make grants to the fund. Clause 6 provides for the constitution of Advisory Committees in every district by the appropriate Government. As far as constitution of these Committees in the States is concerned, the expenditure shall be met out of the Consolidated Fund of respective States. However, in the case of constitution of Advisory Committees in the Union Territories, the expenditure shall be borne out of the Consolidated Fund of India. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees four hundred crore per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 15 OF 1997

A Bill to provide for adequate reservation in posts and services under the Central Government and its public sector undertakings and in higher educational institutions for the Scheduled Castes, the Scheduled Tribes,other backward classes and backward minorities and for matters connected therewith.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Reservation (Services and Higher Education) Act, 1997.

(*2*) It extends to the whole of India.

(*3*) It shall come into force at once.

Definitions

2. In this Act, unless the context otherwise requires,—

(*a*) "appointing authority" means the authority empowered to make appointment to a service or a post in the Central Government or its undertaking;

(*b*) "backward minorities" means and includes persons belonging to Muslim, Christian, Sikh and such other minority communities who have been included in the list of other Backward Classes and such other groups or communities as may be recognised by the Central Government or State Government as backward minorities by notification in the Official Gazette;

(*c*) "Government establishment" means any office of the Central Government, public sector undertaking or statutory authority established under an Act of Parliament or a Corporation, an institution, an organisation or a society, engaged in any activities, fifty-one per cent. of whose capital or recurring expenditure is contributed directly or indirectly by the Central Government and shall include universities, affiliated colleges and educational institutions owned or aided by the Central Government;

(*d*) "higher education" means education at a level higher than the secondary level and shall include professional and technical training;

(*e*) "other backward classes" means other castes, classes or such groups of persons as may be recognised as other backward classes by the Central Government by notification in the Official Gazette and shall include backward minorities;

(*f*) "prescribed" means prescribed by rules made under this Act;

(*g*) "recruitment year" means the calendar year during which recruitment is made;

(*h*) "Scheduled Castes" means the castes specified in the Constitution (Scheduled Castes) Order, 1950 made by the President of India under article 341 of the Constitution of India and as amended from time to time;

(*i*) "Scheduled Tribes" means the tribes specified in the Constitution (Scheduled Tribes) Order, 1950 made by the President of India under article 342 of the Constitution of India and as amended from time to time.

Reservation in posts and services.

3. (*1*) Notwithstanding anything contained in any other law for the time being in force, Central Government shall reserve or cause to be reserved vacancies in posts and services in Government establishments for persons belonging to the Scheduled Castes, the Scheduled Tribes, other Backward Classes and backward minorities.

(*2*) The reservation for the persons belonging to the Scheduled Castes, the Scheduled Tribes and Other Backward Classes shall be in the same manner as is being reserved by the Central Government immediately before the commencement of this Act.

(*3*) While reserving the vacancies under sub-section (*1*), the Central Government shall, as far as practical adhere to the percentage of the persons belonging to the Scheduled Castes, the Scheduled Tribes, Other backward classes, and each of the backward minorities, as the case may be, is to the total population as recorded in the latest census.

(*4*) The vacancies reserved under this Act shall not be filled up by candidates other than those for whom they have been reserved unless otherwise prescribed in order to deal with any situation of non-availability of candidates to fill up the vacancies reserved for the various categories.

Explanation.—For the purpose of this Act, reservation shall include reservation in promotion.

Reservation in higher educational institutions.

4. (*1*) Notwithstanding anything contained in any other law for the time being in force and subject to the rights of the educational institutions of minorities pursuant to article 30 of the Constitution of India, there shall be reservation of seats in higher educational institutions for students belonging to the Scheduled Castes, the Scheduled Tribes, other backward classes and for each of the backward minorities.

(*2*) The provisions of section *3* shall, as far as practical, apply to reservation of seats in higher educational institutions.

Relaxations in recruitment.

5. In the matter of recruitment to reserved vacancies,—

(*a*) the upper age limit prescribed for recruitment shall be relaxed by as many years as may be prescribed;

(*b*) no fee be charged for competitive examination; and

(*c*) candidates shall be paid prescribed travelling allowance for appearing in competitive examination or interviews thereof conducted by the Public Service Commission, Staff Selection Board/Commission or such other agency under the control of Central Government.

Annual report.

6. Every appointing authority of Government establishments and every authority that admits students in higher educational institutions shall furnish to the special officer for Reservations appointed under section 7, the Chairman of the National Commission for the Scheduled Castes and the Scheduled Tribes and the Chairman of the National Commission for the Minorities, an annual report in the prescribed manner and within the prescribed period, on appointments/admissions made under this Act and maintain such other records as may be prescribed.

Special Officer for Reservations.

7. (*1*) **There shall be appointed a Special Officer for Reservations who shall be appointed by the President.**

(*2*) It shall be the duty of the Special Officer for Reservations to investigate all matters relating to reservations under this Act and report to the President upon the working and implementation of the Act at such intervals as the President may direct and the President shall cause all such reports to be laid before each House of Parliament.

Power to make rules.

8. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

The Bill seeks not only to codify the present policy of reservations available to the Scheduled Castes, the Scheduled Tribes and the other Backward Classes but also to extend reservation in posts and services and in higher educational institutions to persons belonging to the backward minorities. The prevalent condition and the continuous declining trend in the position of the minorities is appalling. The facts and the figures presented by the report of the High-Power Panel on Minorities Constituted by Government of India irresistibly demand reservation for minorities in posts and services and in admissions in higher educational institutions. Only then can the imperatives of social justice be met to usher in an equitable society.

Hence this Bill.

NEW DELHI;
November 21, 1996.

G.M. BANATWALLA

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides for the establishment of the office of a Special Officer for Reservations. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of twenty-five lakh per annum.

It is also like to involve a non-recurring expenditure of about rupees ten lakh.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL No. 7 OF 1997

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.

BE it enacted by Parliament in the Forty-eighth year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 1997.

(*2*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Amendment of the Schedule.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part III. — C. O.22 Bihar, for entry 22, the following entry shall be substituted, namely :—

"22. Lohara, Lohra, Lohar".

STATEMENT OF OBJECTS AND REASONS

In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part III relating to the State of Bihar, Lohara and Lohra are shown as Scheduled Tribes. There was, however, a confusion whether "Lohar" is entitled to be recognised as a Scheduled Tribes under the said order. The Supreme Court in the case of Shambhu Nath *Vs* State of Bihar (VA No. 4681/1990) held that Lohar community is a Scheduled Tribe.

In the Anthropological Survey of India, National Series, Volume III published by the Oxford University Press it is stated that Lohara/Lohra has been derived from the world Loha, meaning iron, as they were traditionally blacksmiths. Lohra is a synonym for Lohar. Even in the Hindu version of the Constitution (Scheduled Tribes) Order, 1950, in the list relating to the State of Bihar, the expression is written as "Lohar" as against "Lohara" in the English version.

With a view to clear the existing ambiguity and to remove confusion, it is imperative that the word "Lohar" be added alongwith the words "Lohara" and Lohra" in the list of Scheduled Tribes relating to the State of Bihar.

Hence this Bill.

NEW DELHI;
November 21, 1997.

MAHABIR LAL VISWAKARMA

BILL No. 6 OF 1997

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-eighth year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1997.

Amendment of article 239A.

2. In article 239A of the Constitution, in clause (1), for the words "Union territory of Pondicherry", the words "Union territories of Pondicherry and Chandigarh" shall be substituted.

Amendment of article 240.

3. In article 240 of the Constitution, in clause (1),—

(i) after entry (e), the following entry shall be added, namely:—

"(f) Chandigarh;";

(ii) in both the provisos, after the words "Union territory of Pondicherry", the words "or Chandigarh" shall be inserted.

STATEMENT OF OBJECTS AND REASONS

At present, the Union territory of Chandigarh is being administered by the Administrator with the support of Advisor to the Administrator and other officers. The basic democratic requirement of participation of elected representatives is totally missing in the administration. The Administrator and other officers are free to take decisions without involving the elected representatives in the decision making process. Even the Member of Parliament representing the Union territory is not consulted on various policy decisions affecting public at large. The residents of Chandigarh are demanding for quite a long time that they should have a say in the administration. In a democratic set up the ultimate responsibility of running the administration is vested in the elected representatives of the people and the bureaucrats are answerable to the elected representatives. It is, therefore, desirable that a Legislative Assembly or Council of Ministers or both for the Union territory of Chandigarh be created in order to reflect the involvement of the people in running the administration.

Hence this Bill.

NEW DELHI;

December 18, 1996.

SATYA PAL JAIN

BILL No. 12 OF 1997

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 1997.

Amendment of article 220.

2. In article 220 of the Constitution, before the Explanation, the following proviso shall be inserted, namely:—

"Provided that a person shall be eligible to plead or act in a High Court in which he has held office as a permanent Judge if the term of his office as such Judge in that High Court does not exceed two years.".

STATEMENT OF OBJECTS AND REASONS

Article 220 of the Constitution of India provides that a person who has held office as a permanent Judge of a High Court cannot plead or act in that High Court. Under the policy of transfer of Judges of High Courts, which has been adopted recently, the Judges are being transferred from one High Court to another High Court. However, because of the existing provisions of article 220, they cannot practise in those High Courts where they had held office as a permanent Judge, even for a few days only. There is no such restriction in the case of additional Judges. They can practise in a High Court even if they had remained there for years together. The present provision of article 220, therefore, needs to be amended, particularly, in view of the recently introduced transfer policy of Judges of High Courts.

The Bill seeks to achieve the above objective.

NEW DELHI;
December 18, 1996

SATYA PAL JAIN

BILL No. 11 OF 1997.

A Bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Representation of the People (Amendment) Act, 1997.

(2) It shall come into force at once.

Amendment of section 101.

43 of 1951.

2. In section 101 of the Representation of the People Act, 1951, the following proviso shall be added at the end, namely:—

"Provided that where the High Court orders a recounting of votes, the returned candidate, if he obtains the majority of the valid votes on such recounting, shall be declared to have been duly elected, notwithstanding whether or not he has filed a recrimination petition.".

STATEMENT OF OBJECTS AND REASONS

It has been observed that in some cases the Supreme Court and various High Courts have declared certain candidates, not getting the majority of valid votes, elected on the ground that the returned candidates had not filed recrimination petition. The Courts held that in the absence of recrimination petition, the returned candidates cannot get benefit of valid votes polled in their favour. Thus, under the present law, the election of a person getting the highest number of votes is set aside and the person getting the lowest number of votes is being declared elected. There is a need to amend the Representation of the People Act, 1951 to remove this lacuna.

Hence this Bill.

NEW DELHI; SATYA PAL JAIN

December 18, 1996.

BILL NO. 10 OF 1997

A Bill to provide for the declaration and public scrutiny of assets of civil servants.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title, extent and commencement.

1. (*1*) This Act may be called the Declaration of Assets by Civil Servants Act, 1997.

(*2*) It extends to the whole of India.

(*3*) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint but such date shall not be beyond the period of three months from the date on which the President accords his assent.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "assets" in relation to a civil servant or a member of his family, means and includes, his right, title or interest in any movable or immovable property, whether as owner, mortgagor, lessor, lessee, *benamidar* or in any other manner of ownership, whatsoever;

(*b*) "civil servant" means and includes a person appointed to public services and posts in connection with the affairs of the Union in a supervisory capacity and who draws a basic salary of rupees three thousand five hundred or more per month;

(*c*) "Committee" means the scrutiny Committee constituted under section 3;

(*d*) "family", in relation to a civil servant means,—

(*i*) Spouse; and

(*ii*) any other person who is related to the civil servant by blood or marriage and is wholly or substantially dependent upon him;

(*e*) "Government" means the Central Government;

(*f*) "liability" in relation to a civil servant means liability to the extent of rupees five thousand and more; and

(*g*) "prescribed" means prescribed by rules made under this Act.

Scrutiny Committee.

3. (*1*) **There shall be constituted a Committee, consisting of nine members of Parliament of which six members shall be from the House of the People and three members from the Council of States who shall be elected by the respective Houses from amongst their members in accordance with the principle of proportional representation by means of a single transferable vote.**

(2) The Chairperson of the Committee shall be elected by the members of the Committee from amongst themselves.

(*3*) The Lok Sabha Rules of Procedure and Conduct of Business as are applicable to Parliamentary Committees shall apply to the Committee.

(*4*) The term of the Committee shall be coterminus with the term of Lok Sabha:

Provided that the proceedings of the Committee shall not lapse on the dissolution of the Lok Sabha and the Committee shall continue in office until its successor Committee takes office.

(*5*) A member of the Committee shall cease to be such member if he ceases to be a member of either House of Parliament.

(*6*) The Committee shall be provided with secretarial assistance with staff drawn from both Houses of Parliament as may be determined by the presiding officers of the respective Houses in consultation with each other.

Function of scrutiny Committee.

4. (*1*) The Committee shall scrutinise the declaration of assets and liabilities furnished to it by the civil servants under section 5 to see whether the assets declared by any civil servant are disproportionate to the known sources of his income and report to the both Houses of Parliament about the results of such scrutiny.

(2) The Committee shall give an opportunity to the civil servant concerned of being heard in person.

Duty of civil servants to declare assets and liabilities.

5. (*1*) Every civil servant shall, within sixty days from the date of commencement of this Act, furnish to the Committee a declaration in the prescribed form setting out particulars of his assets and liabilities and those of the members of his family acquired, held and disposed of during the previous year as defined in sub-section (*1*) of section 3 of the Income-Tax Act, 1961. 43 of 1961

(2) Every civil servant shall, before assuming the charge of his post as such civil servant and thereafter throughout the term of his office, furnish to the Committee a declaration in the prescribed form as required under sub-section (*1*) within sixty days from the beginning of every financial year.

(*3*) Every civil servant, upon ceasing to hold office as civil servant, shall furnish to the Committee a declaration in the prescribed form as required under sub-section (*1*) within sixty days from the date on which he ceases to hold office as such civil servant.

Penalty for delay in furnishing declaration.

6. If a civil servant delays the submission of the declaration for more than a month without showing a reasonable cause to the satisfaction of the Committee, he shall be punished with a fine amounting to one per cent. of the total net assets declared by him and if such delay is for more than three months, he shall be liable to an additional fine of rupees five hundred per day.

Penalty for false declaration.

7. If a declaration furnished by a civil servant is found substantially false, he shall, without prejudice to any other action being taken under the law for the time being in force, be punishable for perjury under section 193 of the Indian Penal Code. 45 of 1860.

Tribunal.

8. (*1*) The Central Government shall set up a tribunal to try such cases of civil servants as may be referred to it by the Central Government on the recommendation of the Committee.

(2) The tribunal shall have the same powers and privileges as a Session Court has under the Code of Criminal Procedure, 1973. 2 of 1974.

Penalty for possession of disproportionate assets.

9. (*1*) If a civil servant is found to have amassed assets disproportionate to the known sources of his income or those of his family members without showing any reasonable cause to the satisfaction of the tribunal his assets shall partially or wholly be ordered to be confiscated notwithstanding any other law relating to ownership, possession or title to such property for the time being in force.

(*2*) If a civil servant is found to have acquired such assets by misusing his official position and influence, he shall be punishable with rigorous imprisonment which may extend to seven years but which shall not be less than one year.

Declaration to be public document.

10. A true copy of a declaration made under this Act, shall, on demand, be made available to any member of the public on payment of a prescribed fee.

Power to make rules.

11. (*1*) The Central Government may, by notification in the Official Gazette, make rules to give effect to the provisions of this Act.

(*2*) In particular and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the form in which declaration shall be furnished under section 5;

(b) administrative arrangements with regard to the custody of the declarations and any other documents furnished or required to be furnished under the Act; and

(c) any other matter which is necessary for carrying out the provisions of the Act.

STATEMENT OF OBJECTS AND REASONS

During recent years, a large number of financial scandals of very wide dimension have surfaced and revealed that several politicians holding high offices under the Government, many senior civil servants and businessmen have been amassing wealth unbelievably disproportionate to the known sources of their income. The situation is grave and poised to be disastrous not only to our economy but also to the democratic system itself unless effective steps are taken to check it.

While the general law of the land pertaining to economic offences appropriately deals with the businessmen, the Lok Pal Bill, recently introduced in the Lok Sabha, provides for declaration by members of Parliament of their assets and liabilities. There is, however, a need to enact a law to provide for declaration of assets and liabilities by the senior civil servants who exercise great power and influence while in service. It is also necessary to provide effective mechanism for scrutiny of such declarations.

Hence this Bill.

NEW DELHI;
December 18, 1996.

MEIRA KUMAR

FINANCIAL MEMORANDUM

Clauses 3 and 8 of the Bill seek to constitute a Committee of Parliament and a tribunal respectively for scrutinising declaration of assets filed by civil servants and for trying offences relatable to such declarations. The recurring expenditure estimated to be involved out of the Consolidated Fund of India on account of payment of salaries, TA and DA to the members of the tribunal and the Committee and the secretarial staff and to meet other miscellaneous expenditure would be approximately rupees twenty five lakh per annum.

A non-recurring expenditure of about rupees ten lakh is also likely to be involved on account of providing accommodation, office furniture and other facilities to the members of the Committee and the tribunal.

MEMORANDUM ON DELEGATED LEGISLATION

Clause 11 of the Bill seeks to delegate rule making power to the Central Government for giving effect to the provisions of the Act. The delegation of power is of a normal Character.

BILL No. 20 OF 1997

A Bill to provide for the abolition of child labour and for matters connected therewith.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Child Labour (Abolition) Act, 1997.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) 'child" means a person who has not completed his fifteenth year of age; and

(*b*) 'establishment' includes a shop, commercial establishment, workshop, farm, residential hotel, restaurant, eating house, theatre or any other place of public amusement or entertainment.

Abolition of child labour.

3. The child labour is hereby abolished.

Penalty.

4. (*1*) Whoever employs any child or permits any child to work in any establishment shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to three years or with fine which shall not be less than ten thousand rupees but which may extend to twenty thousand rupees or with both.

(2) Whoever, having been convicted of an offence under this Act, commits a like offence afterwards, he shall be punishable with imprisonment for a term which shall be not less than two years but which may extend to four years.

Power to remove difficulties.

5. (*1*) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removal of the difficulty:

Provided that no such order shall be made after the expiry of a period of one year from the date on which this Act comes into force.

(2) Every order made under this section shall, as soon as may be, after it is made, be laid before each House of Parliament.

Act to have overriding effect.

6. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force.

Repeal of Act No. 61 of 1986.

7. The Child Labour (Prohibition and Regulation) Act, 1986 is hereby repealed. 61 of 1986.

STATEMENT OF OBJECTS AND REASONS

India has acceded to the Convention on the Rights of the Child which provides for—

(a) a minimum age or minimum ages for admission to employment;

(b) appropriate regulation of the hours and conditions of employment; and

(c) appropriate penalties or other sanctions to ensure the effective enforcement of the declarations of the Convention.

The above Convention also recognised the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to child's health, or his physical, mental, spiritual, moral or social development.

The Government of India signed the instrument of decisions arrived at the Convention on December 11, 1992.

The object of the Bill is to give effect to the declarations of the Convention on the Rights of the Child, to the extent possible in Indian context.

Hence this Bill.

NEW DELHI;
February 4, 1997.

CHITTA BASU

BILL NO. 14 OF 1997

A Bill *further to amend the Constitution of India.*

BE it enacted by Parliament in the Forty-eighth year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1997. Short title.

2. In article 73 of the Constitution, in clause (1), after the existing proviso, the following proviso shall be added, namely :—

"Provided further that the executive power referred to in sub-clause (b) in relation to any treaty or agreement shall not be exercisable by the Union unless it is ratified by both Houses of Parliament.". Amendment of article 73.

STATEMENT OF OBJECTS AND REASONS

The Government enters into treaties or agreements with other country or countries from time to tome. The nation is comiitted to the obligations arising out of such treaties without seeking approval from Parliament. They are implemented merely by issuing executive orders or by notifications, etc. The sovereign Parliament is not involved in decision making process in regard to advantages/disadvantages of the treaties entered into by the Government. The Parliament is presented with a fait accompli. This curbs the sovereign rights of the Parliament.

In major democratic countries, the treaties entered into by those countries are ratified by the concerned legislature before they are implemented. But there is no such provision in our Constitution. At present, the Constitution empowers the Parliament to make by law for giving effect to any treaty entered into by the Government without its ratification by the Parliament.

To protect, preserve and uphold the sovereignty of the Parliament, it is imperative that every international treaty be ratified by the Parliament.

The Bill seeks to amend the Constitution to achieve the above objective.

NEW DELHI;
February 4, 1997.

CHITTA BASU

BILL No. 19 OF 1997

A Bill further to amend the Registration of Books Act, 1867.

BE it enacted by Parliament in the Forty-eighth Year of the Republic of India as follows:—

Short title and Commencement.

1. *(1)* This Act may be called the Press and Registration of Books (Amendment) Act, 1997.

(2) It shall come into force at once.

Insertion of new section 3A. Ownership, publishing, etc. of newspapers and books by Indian citizens only.

25 of 1867

2. After section 3 of the Press and Registration of Books Act, 1867, the following section shall be inserted, namely:—

"3A. Notwithstanding anything contained in this Act, no person, who is not a citizen of India, shall own, publish, print or edit nor in any way associate with the ownership, publishing printing or editing of any papers, newspaper or a book in India."

STATEMENT OF OBJECTS AND REASONS

There is a move to allow the foreign media to have access to the Indian market within the framework of the new economic policy based on liberalisation, globalisation and marketisation.

This is a dangerous move and constitutes an invasion on the realm of freedom of speech and Indian culture. Entry of foreign newspapers and news agencies would have disastrous impact on the economic viability of the Indian newsapers and news agencies.

The Government, after taking into account all the aspects, formulated the media policy in 1955-56, which did not allow the foreign media owners to start publication of any newspaper and magazine in India. The Government now seeks to qualitatively change that policy.

The entry of foreign media would pose a serious danger to India's independence and sovereignty. It is well known that by and large the foreign press has been carrying on a relentless campaign over the past many decades to denigrate independent India and to belittle her achievements.

Though, the Indian Press is competent enough to stand up to the foreign media, huge financial resources and technological advancement would push Indian media out of business. The official view that we should make efforts to compete with the foreign media sounds hypocritical.

It is reported that 'The Financial Times', 'The Economist' of Pearson Group of London and 'Time' uf US Warner Group are making frantic efforts to enter into Indian market. The Pearson Group is interested to enter into collaboration iwth the Ananda Bazar Group of publications and Time Warner Group are in negotiations with the 'India Today'. Time desires to bring out an Indian edition. International Herald Tribune is interested in collaborating with the Hinduja Group. Rupert Mardok's, News Corporation is willing to start business in India.

The Press Council of India has already protested against the move.

The Bill seeks to ban the entry of foreign media into the country.

Hence this Bill.

NEW DELHI;

February 4, 1997. GHITTA BASU

S. GOPALAN,
Secretary-General.